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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050322

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 2179

DETAILED ACTION

The MPEP, section 2144.03 states: "If applicant challenges a factual assertion as not properly official noticed or not properly based upon common knowledge, the examiner must support the finding with adequate evident". Accordingly, the citing of 6,252,544 (Hofferg) and 2001/004591 (Bunker), responsive to the applicant's challenge (see the Appeal brief, pages 5 and 6), is properly guided by the MPEP. The MPEP further states "If the examiner adds a reference in the next Office action after applicant's rebuttal, and the newly added reference is added only as directly corresponding evidence to support the prior common knowledge finding, and it does not result in a new issue or constitute a new ground of rejection, the Office action may be made final". In this case the added references merely to support for the official notice, responsive to the applicant's challenge (see the examiner answer, page 9). It does not introduce any new issue or new ground of rejection, thus is properly following the MPEP.

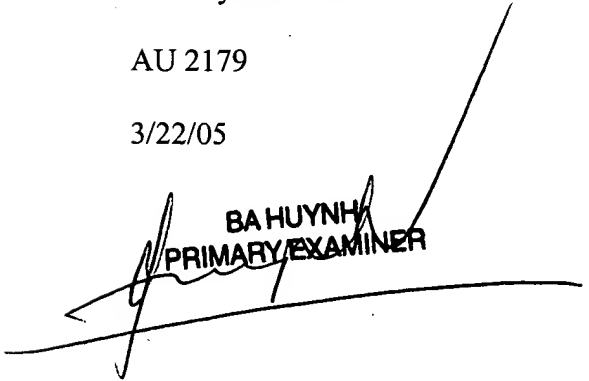
In response to the applicant's argument regarding the art rejection, claims 1-14 are unpatentable as being obvious over Shimizu in view of Ahem as set forth in the rejection.

Ba Huynh

Primary Examiner

AU 2179

3/22/05


BA HUYNH
PRIMARY EXAMINER